

PETITION PURSUANT TO 37 CFR 1.183	Docket No. E0001/7000P1
Applicant: Chandrashekhar Pathak Serial No: 10/027,374 Filed: December 21, 2001 For: LIQUID AND LOW MELTING COATINGS FOR STENTS Examiner: Carlos Azpuru Art Unit: 1615	

Douglas I. Wood
 Senior Petitions Attorney
 Office of Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This petition is filed pursuant to the provisions of 37 C.F.R. 1.183 to overcome an error in a declaration in the situation where the inventor cannot be located to execute a substitute declaration and where the Patent Office did not reject or object to the declaration. In particular, the assignee requests that the Patent Office accept the attached substitute declaration, signed by an office of the assignee, for the reasons stated herein.

37 CFR § 1.183 states in relevant part:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in §1.17(f).

The basis of the petition is as follows:

1. A prior attorney of record filed a declaration signed in 2002 ("2002 declaration") by the sole inventor in the present application ("parent application"). It was accepted by the PTO. This declaration is enclosed.
2. On January 4, 2006, application serial number 11/397,778 was filed as a continuation application of the parent application. This continuation application names the same sole inventor as the parent application.
3. The assignee could not reach the inventor to sign a declaration in the continuation application. A petition was filed pursuant to 37 C.F.R. 1.47 on November 18, 2006 in the continuation application. In addition, the undersigned filed the 2002 declaration that had been filed in the parent application.
4. In response to the 37 CFR 1.47 petition, Attorney Wood of the Patent and Trademark Office mailed the attached Decision on Petition January 30, 2007, indicating that the 2002 declaration filed in the parent application is defective because it did not include the inventor's citizenship.
5. The assignee cannot now file a 37 CFR 1.47 petition since the Patent Office did not reject or object to the 2002 declaration in the parent application. As advised by Attorney Wood, the undersigned herein files the same documents that would have been required for a grantable 37 CFR 1.47(b) petition, and requests that the Patent Office accept the substitute declaration filed herein pursuant to 37 CFR 1.183. In particular, in support of this petition, the following items are enclosed herein:
 - a. a copy of the 37 CFR 1.47 petition filed in the continuation, including:
 - i. a copy of the declaration of Julie Carlson dated November 8, 2006 that was filed in the continuation application 37 C.F.R. 1.47 petition indicating that the inventor of the parent and continuation applications could not be located, and including the last known address of the inventor;

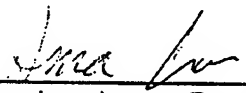
- ii. a copy of the PTO assignment records indicating proprietary interest of the parent application;
- b. a substitute declaration signed by the assignee on behalf of the inventor;
- c. a statement pursuant to MPEP 409.03(g); and
- d. a copy of the Decision on Petition mailed on January 30, 2007 in the continuation application.

Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §1.16, §1.17 and §1.18 required by this paper and during the entire pendency of this application to Account No. 02-3038.

Grant of this petition is respectfully request.

Respectfully submitted



Inna Landsman Reg. No. 44337
RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
Customer Number 021127
Tel: (617) 367-4600 Fax: (617) 367-4656

Date: 4/30/07

PETITION TO PERMIT FILING A PATENT APPLICATION WHEN AN INVENTOR REFUSES OR CANNOT BE REACHED TO SIGN THE OATH OR DECLARATION	Docket No. E0001/7000P2
Applicant: Chandrashekhar Pathak Serial No: 11/397,778 Filed: April 4, 2006 For: LIQUID AND LOW MELTING COATINGS FOR STENTS Examiner: Not Yet Assigned Art Unit: 1615	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This petition is filed pursuant to 37 C.F.R. 1.47(b) to permit filing of a patent application when an inventor refuses or cannot be reached to sign the oath or declaration.

This application is a continuation of serial application number 10/027374, which has the same inventor as the present application. The inventor assigned his rights in application number 10/027374 and its continuations to Sulzer Biologics Inc. A copy of the assignment records from the USPTO assignment database are attached, showing that ev3 Peripheral, Inc. is the current owner of this application.

A declaration signed by Julie Carlson with facts supporting this petition is attached hereto. It includes the last known address of the inventor.

The PTO is authorized to charge the fee due pursuant to 37 CFR 1.17(g) to deposit account number 02-3038.

Grant of this petition is respectfully requested.

Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §1.16, §1.17 and §1.18 required by this paper and during the entire pendency of this application to Account No. 02-3038.

Respectfully submitted

Inna Landsman Date: 11/8/2006
Inna Landsman Reg. No. 44337
RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
Customer Number 021127
Tel: (617) 367-4600 Fax: (617) 367-4656



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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 5

Patent #: NONE

Issue Dt:

Application #: 10027374 **Filing Dt:** 12/2

Publication #: US20030083740 **Pub Dt:** 05/01/2003

Inventor: Chandrashekhar Pathak

Title: LIQUID AND LOW MELTING COATINGS FOR STENTS

Assignment: 1

Reel/Frame: 013069/0464

Recorded: 07/02/2002

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: PATHAK, CHANDRASEKHAR

Exec Dt: 01/02/2002

Assignee: SULZER BIOLOGICS INC.

12024 VISTA PARKE DRIVE

AUSTIN, TEXAS 78726

Correspondent: CENTERPULSEUSA INC.

TIMOTHY L. SCOTT

3 EAST GREEWAY PLAZA, SUITE 1600

HOUSTON, TX 77046

Assignment: 2

Reel/Frame: 015442/0296

Recorded: 12/10/2004

Pages: 3

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: SULZER BIOLOGICS INC.

Exec Dt: 10/02/2002

Assignee: CENTERPULSE BIOLOGICS INC.

12024 VISTA PARKE DRIVE

AUSTIN, TEXAS 78726

Correspondent: WILLIAMS, MORGAN & AMERSON, P.C.

KENNETH D. GOODMAN

10333 RICHMOND, SUITE 1100

HOUSTON, TX 77042

Assignment: 3

Reel/Frame: 014463/0453

Recorded: 03/28/2003

Pages: 2

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: SULZER INTRATHERAPEUTICS, INC.

Exec Dt: 12/27/2002

Assignee: EV3 PERIPHERAL, INC.

4600 NATHAN LANE NORTH

PLYMOUTH, MINNESOTA 55442

Correspondent: MERCHANT & GOULD P.C.
MARK DIPIETRO
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Assignment: 4

Reel/Frame: 014463/0440

Recorded: 03/21/2003

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: SULZER BIOLOGICS, INC.

Exec Dt: 03/17/2003

Assignee: SULZER INTRATHERAPEUTICS, INC.

12024 VISTA PARKE DRIVE
AUSTIN, TEXAS 78726

Correspondent: MERCHANT & GOULD P.C.
MARK DIPIETRO
PO BOX 2903
MINNEAPOLIS, MN 55402-0903

Assignment: 5

Reel/Frame: 015445/0423

Recorded: 12/10/2004

Pages: 3

Conveyance: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

Assignor: CENTERPULSE BIOLOGICS INC.

Exec Dt: 04/28/2004

Assignee: ZIMMER ORTHOBIOLOGICS, INC.

12024 VISTA PARKE DRIVE
AUSTIN, TEXAS 78726

Correspondent: WILLIAMS MORGAN ET AL
10333 RICHMOND STE 1100
HOUSTON TX 77042

Search Results as of: 11/08/2006
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272
Web interface last modified: July 26, 2006 v.1.10

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chandrashekhar Pathak

Attorney Docket: E0001/7000P2

App. No. : 11/397,778

Filed : April 4, 2006

For : LIQUID AND LOW MELTING COATINGS FOR STENTS

STATEMENT OF FACTS IN SUPPORT OF PETITION
UNDER 37 C.F.R. § 1.47

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. I, Julie Carlson, of 14746 Yosemite Avenue South, Savage, Minnesota 55378, am currently employed by ev3 Endovascular Inc. ("ev3") as a Paralegal. ev3 is a Delaware corporation and has a business address of 9600 54th Avenue North, Plymouth, Minnesota 55442.
2. On May 25, 2006, I mailed a Declaration and Power of Attorney and Assignment for the above-identified application to Chandrashekhar Pathak at his last known address of 16110 Braesgate Drive, Austin, TX 78717. I included a return envelope for his convenience in returning the signed documents. A copy of my May 25, 2006 letter to Mr. Pathak is attached as Exhibit A.
3. On August 7, 2006, I sent a second letter, along with the Declaration and Power of Attorney and Assignment to Mr. Pathak via Federal Express at his last known address at 16110 Braesgate Drive, Austin, TX 78717, requesting he sign and return the documents to me. I also included a Federal Express envelope with a return label for his convenience in returning the signed documents. The Federal Express envelope was left at the front door of the address without obtaining a signature pursuant to delivery instructions I had provided to Federal Express. A copy of my August 7,

2006 letter and the Federal Express shipping label are attached as Exhibit B and C, respectively.

4. On August 24, 2006, I sent a third letter, along with the Declaration and Power of Attorney and Assignment to Mr. Pathak via Federal Express at his last known address at 16110 Braesgate Drive, Austin, TX 78717, requesting he sign and return the documents to me. I also included a Federal Express envelope with a return label for his convenience in returning the signed documents. The Federal Express envelope was left at the front door of the address without obtaining a signature pursuant to delivery instructions I had provided to Federal Express. A copy of my August 24, 2006 letter and the Federal Express shipping label are attached as Exhibit D and E, respectively.
5. On September 7, 2006, I sent a fourth letter, along with the Declaration and Power of Attorney and Assignment and a copy of the application, to Mr. Pathak via Federal Express at his last known address at 16110 Braesgate Drive, Austin, TX 78717, requesting he sign and return the documents to me. I also included a Federal Express envelope with a return label for his convenience in returning the signed documents. The Federal Express envelope was sent with instructions to obtain a signature of Mr. Pathak and to not leave the package at the front door. A copy of my September 7, 2006 letter and the Federal Express shipping label is attached as Exhibit F and G, respectively.
6. On September 8, 2006, Federal Express attempted delivery of the package, but there was no one home. On September 11, 2006, Federal Express attempted delivery again and was informed that Mr. Pathak no longer resided at that address. On September 12, 2006, Federal Express contacted me by phone to inform me that they attempted delivery and that Mr. Pathak no longer resided at that address. I instructed Federal Express to return the package to me. Attached as Exhibit H is a printout from the Federal Express website of the tracking record of the package.

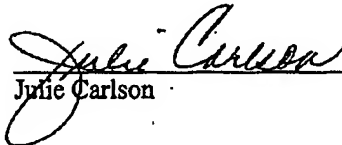
Statement of Facts in Support of Petition
App. No. : 11/397,778
Filed : April 4, 2006

Attorney Docket: E0001/7000C2

7. After knowing that Mr. Pathak had moved, I attempted to search for a new address on the Internet on several websites. I was unable to determine with certainty if any results of the searches were the new address of the inventor. Attached as Exhibits I, J and K are printouts of three of the searches I conducted. I received similar results from searches on other websites.
8. As of the date of this Statement I have not received a reply from Mr. Pathak.
9. Mr. Pathak is a former employee of ev3.
10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Date:

November 8, 2006


Julie Carlson



PH 763.398.7000

FX 763.398.7200

9600 54th Avenue North, Plymouth, MN 55442-2111

May 25, 2006

Exhibit A

Pathak Chandrashekhhar
16110 Braesgate Drive
Austin, TX 78717

RE: ev3 U.S. Patent Application #11/397,778
Filed: April 4, 2006
TITLE: LIQUID AND LOW MELTING COATINGS FOR STENTS

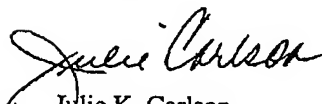
Dear Pathak:

As the named inventor on the above-referenced patent application for ev3, we need to obtain your signatures on the enclosed Declaration and Power of Attorney and Assignment.

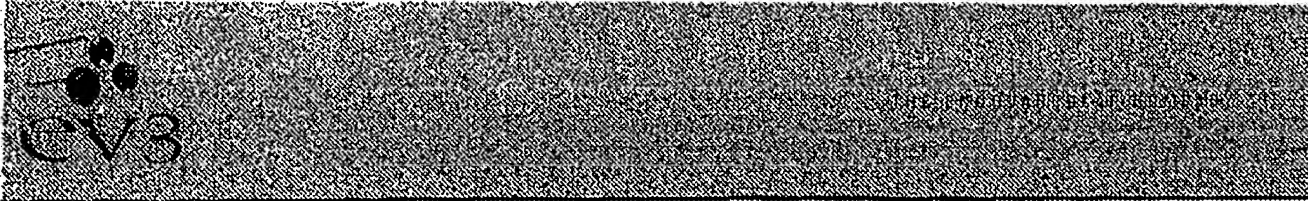
Please sign the forms where indicated and return to me in the enclosed return envelope. Please note that the assignment will need to be signed in front of a notary.

If you have any questions relating to these forms, please contact me at 763-398-7643.

Sincerely,


Julie K. Carlson
Paralegal

Enclosures



PH 763.398.7000

FX 763.398.7200

9600 54th Avenue North, Plymouth, MN 55442-2111



August 7, 2006

Sent via Federal Express

Exhibit B

Chandrashekhar Pathak
16110 Braesgate Drive
Austin, TX 78717

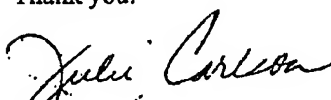
RE: ev3 U.S. Patent Application #11/397,778
TITLE: LIQUID AND LOW MELTING COATINGS FOR STENTS
Filing Date: April 4, 2006

Dear Chandrashekhar:

You are a named inventor on the above referenced U.S. patent application for ev3. Enclosed for your signature is a Declaration and Power of Attorney and an Assignment which assigns all your rights of the application to ev3. Please sign the documents where indicated and return to me no later than August 20, 2006. I have included a preprinted return Federal Express envelope for your convenience. Please note that the Assignment will need to be notarized.

If you have any questions regarding these documents, please feel free to contact me at 763-398-7643.

Thank you.


Julie K. Carlson
Paralegal

Enclosures

cc: Glenn Edwards

Shipping Label

Page 1 of 1

Exhibit C

From: Origin ID: (763)398-7643
Julie Carlson
eV3 INC
9600 54th Avenue N.
Suite 100
PLYMOUTH, MN 55442



Ship Date: 07AUG06
Act/Wgt: 1 LB
System#: 3313192/INET2500
Account#: S *****

REF:

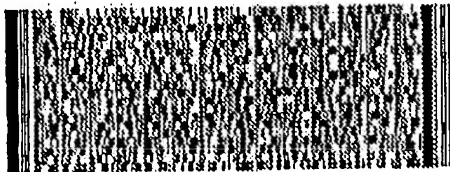


Delivery Address Bar Code

SHIP TO: (763)398-7643 BILL SENDER
Chandrashekhhar Pathak

16110 Braesgate Drive

Austin, TX 78717



STANDARD OVERNIGHT

TUE

Deliver By:
08AUG06

TRK# 7915 1752 1760

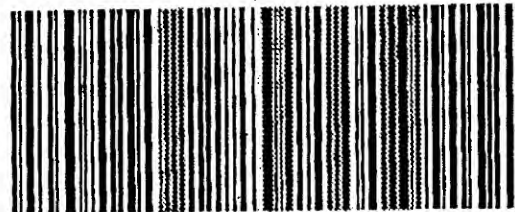
FORM
0201

AUS

A2

78717 -TX-US
RES

A8 BSMA



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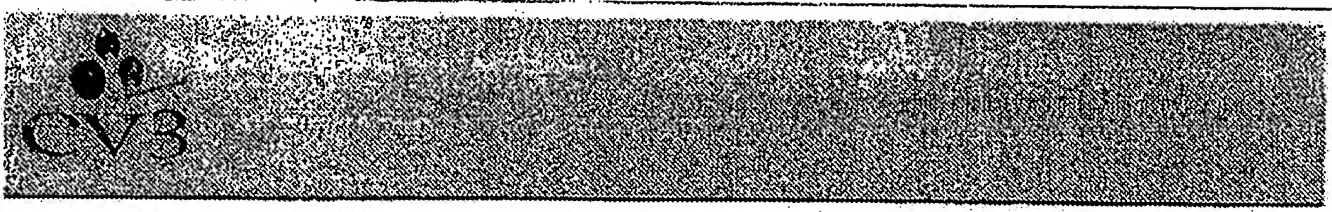
This shipping label constitutes the air waybill for this shipment.

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1. Use the "Print" feature from your browser to send this page to your laser printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping label pouch and affix it to your shipment so that the barcodes portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.



PH 763.398.7000

FX 763.398.7200

9600 54th Avenue North, Plymouth, MN 55442-2111

SECOND REQUEST

8/24/06



August 7, 2006

Sent via Federal Express

Chandrashekhar Pathak
16110 Braesgate Drive
Austin, TX 78717

Exhibit D


RE: ev3 U.S. Patent Application #11/397,778
TITLE: LIQUID AND LOW MELTING COATINGS FOR STENTS
Filing Date: April 4, 2006

Dear Chandrashekhar:

You are a named inventor on the above referenced U.S. patent application for ev3. Enclosed for your signature is a Declaration and Power of Attorney and an Assignment which assigns all your rights of the application to ev3. Please sign the documents where indicated and return to me no later than August 20, 2006. I have included a preprinted return Federal Express envelope for your convenience. Please note that the Assignment will need to be notarized.

If you have any questions regarding these documents, please feel free to contact me at 763-398-7643.

Thank you.


Julie K. Carlson
Paralegal

Enclosures

cc: Glenn Edwards

abel

Page 1 of 1

Origin ID: (783)398-7643
Carlson
J INC
600 54th Avenue N.
Suite 100
PLYMOUTH, MN 55442



Ship Date: 24AUG06
ActWgt: 1 LB
System#: 3313192/NET2500
Account#: S *****

Exhibit E

SHIP TO: (783)398-7643 BILL SENDER
Chandrashekhar Pathak

16110 Braesgate Drive

Austin, TX 78717

REF:



Delivery Address Bar Code

STANDARD OVERNIGHT

FRI

Deliver By:
25AUG06

TRK# 7900 4606 1972

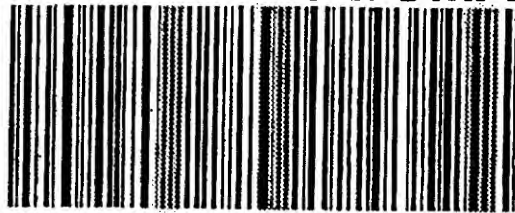
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0201

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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.



PH 763.398.7000

FX 763.398.7200

9600 54th Avenue North, Plymouth, MN 55442-2111

Third Request

9/7/06

 **COPY**

August 7, 2006

Sent via Federal Express

Exhibit F

Chandrashekhar Pathak
16110 Braesgate Drive
Austin, TX 78717

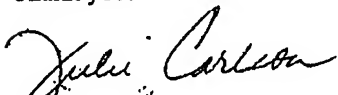
RE: ev3 U.S. Patent Application #11/397,778
TITLE: LIQUID AND LOW MELTING COATINGS FOR STENTS
Filing Date: April 4, 2006

Dear Chandrashekhar:

You are a named inventor on the above referenced U.S. patent application for ev3. Enclosed for your signature is a Declaration and Power of Attorney and an Assignment which assigns all your rights of the application to ev3. Please sign the documents where indicated and return to me no later than August 20, 2006. I have included a preprinted return Federal Express envelope for your convenience. Please note that the Assignment will need to be notarized.

If you have any questions regarding these documents, please feel free to contact me at 763-398-7643.

Thank you.


Julie K. Carlson
Paralegal

Enclosures

cc: Glenn Edwards

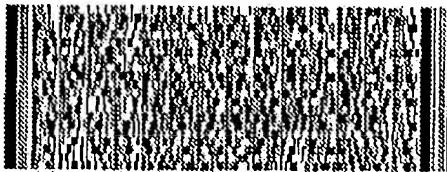
From: Origin ID: (763)398-7643
 Julie Carlson
 ev3 INC
 9600 54th Avenue N.
 Suite 100
 PLYMOUTH, MN 55442



Ship Date: 07SEP06
 ActWgt: 1 LB
 System#: 3313182/INET2600
 Account#: 8 *****

Exhibit G

SHIP TO: (763)398-7643 BILL SENDER
Chandrashekhar Pathak
 16110 Braesgate Drive
 Austin, TX 78717



REF:



Delivery Address Bar Code

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TRK# 7915 4586 9199

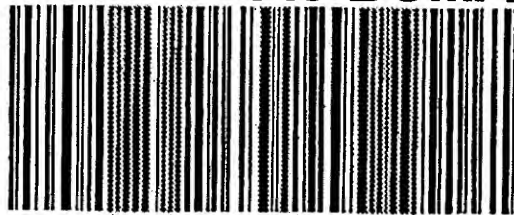
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0201Deliver By:
08SEP06

AUS

A2

78717 -TX-US
 DSR-RES

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Exhibit H

Track Shipments Detailed Results



Tracking number 791545869199 Destination Austin, TX
 Ship date Sep 7, 2006 Service type Standard Envelope
 Weight 0.5 lbs.

Status Delivery exception

Date/Time	Activity	Location	Details
Sep 12, 2006	1:23 PM Package returned to shipper	AUSTIN, TX	Return tracking number: 725830783590
	7:36 AM At local FedEx facility	AUSTIN, TX	
Sep 11, 2006	3:30 PM At local FedEx facility	AUSTIN, TX	
	2:29 PM Delivery exception	AUSTIN, TX	Incorrect address
	7:11 AM On FedEx vehicle for delivery	AUSTIN, TX	
Sep 8, 2006	5:56 PM At local FedEx facility	AUSTIN, TX	
	2:38 PM Delivery exception	AUSTIN, TX	Customer not available or business closed
	7:48 AM On FedEx vehicle for delivery	AUSTIN, TX	
	6:15 AM At local FedEx facility	AUSTIN, TX	
	4:35 AM At dest sort facility	AUSTIN, TX	
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	12:09 AM Arrived at FedEx location	FORT WORTH, TX	
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	5:50 PM Picked up	MAPLE GROVE, MN	
	4:07 PM Package data transmitted to FedEx		

[E-mail results](#)
[Track more shipments](#)

Subscribe to tracking updates (optional)

Your Name:

Your E-mail Address:

E-mail address

Language

Exception updates

Delivery updates

English

☐

English

☐

English

☐

English

☐

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Exhibit I

YELLOWPAGES.COM™

VICTORIA'S
SECRETTHE WC
SEXIES

HOME | YELLOW PAGES | WHITE PAGES | MAPS & DIRECTIONS | MY YELLOWPAGES | CITY GUIDES | CON

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WHITE PAGESUse Western Union to Send Money to Chandra Pathak![Find Person](#) | [Reverse Phone](#) | [Reverse Address](#) | [Area & ZIP Codes](#) | [Help](#)

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	Name	Age	City	State	Premiu
1	<u>C PATHAK</u>	-	SUNNYVALE	CA	Adva Insta Search Back
2	<u>C PATHAK</u>	-	LINCOLN	NE	Adva Insta Search Back
3	<u>C K PATHAK</u>	-	NASHUA	NH	Adva Insta Search Back
4	<u>C M PATHAK</u>	-	WILMINGTON	DE	Adva Insta Search Back
5	<u>C P PATHAK</u>	-	NASHUA	NH	Adva Insta Search Back
6	<u>C P PATHAK</u>	49	AUSTIN	TX	Adva Insta Search Back
7	<u>C P PATHAK</u>	-	AUSTIN	TX	Adva Insta Search Back
8	<u>C P PATHAK</u>	-	AUSTIN	TX	Adva Insta

					Search Back
9	C.P.PATHAK	49	AUSTIN	TX	Adva Insta Search Back
10	C.P.PATHAK	49	AUSTIN	TX	Adva Insta Search Back
11	C.R.PATHAK	-	EDISON	NJ	Adva Insta Search Back
12	C.R.PATHAK	-	EDISON	NJ	Adva Insta Search Back
13	C.R.PATHAK	-	ELIZABETH	NJ	Adva Insta Search Back
14	CATYENA PATHAK	-	AUSTIN	TX	Adva Insta Search Back
15	CAYATRI.P PATHAK	-	IRVING	TX	Adva Insta Search Back
16	CAYATRI.P PATHAK	-	IRVING	TX	Adva Insta Search Back
17	CHAANDANA PATHAK	-	POMONA	CA	Adva Insta Search Back
18	CHADRIKA PATHAK	-	BOSTON	MA	Adva Insta Search Back
19	CHADRIKA PATHAK	-	BOSTON	MA	Adva Insta Search Back
20	CHADRIKA	-	WESTON	MA	Adva

20	<u>CHANDRA</u> <u>PATHAK</u>	-	WELTON	MA	Adva Insta Search Back
21	<u>CHAITANYA N</u> <u>PATHAK</u>	-	LINCOLN	NE	Adva Insta Search Back
22	<u>CHAMDRASHEK P</u> <u>PATHAK</u>	-	WALTHAM	MA	Adva Insta Search Back
23	<u>CHAMDRASHEK P</u> <u>PATHAK</u>	-	NASHUA	NH	Adva Insta Search Back
24	<u>CHAMDRASHEK P</u> <u>PATHAK</u>	-	AUSTIN	TX	Adva Insta Search Back
25	<u>CHAMDRASHEK P</u> <u>PATHAK</u>	-	AUSTIN	TX	Adva Insta Search Back
26	<u>CHAMDRASHEK P</u> <u>PATHAK</u>	-	AUSTIN	TX	Adva Insta Search Back
27	<u>CHANCHAL</u> <u>PATHAK</u>	-	BRONX	NY	Adva Insta Search Back
28	<u>CHANCHAL</u> <u>PATHAK</u>	-	BRONX	NY	Adva Insta Search Back
29	<u>CHANCHAL</u> <u>PATHAK</u>	-	BROOKLYN	NY	Adva Insta Search Back
30	<u>CHANCHAL</u> <u>PATHAK</u>	-	CORONA	NY	Adva Insta Search Back
31	<u>CHANCHAL</u> <u>PATHAK</u>	54	CORONA	NY	Adva Insta Search Back

32	<u>CHANCHAL PATHAK</u>	54	CORONA	NY	Adva Insta Search Back
33	<u>CHANCHAL PATHAK</u>	-	CORONA	NY	Adva Insta Search Back
34	<u>CHANCHAL PATHAK</u>	54	FLUSHING	NY	Adva Insta Search Back
35	<u>CHANCHAL PATHAK</u>	54	REGO PARK	NY	Adva Insta Search Back
36	<u>CHANCHAL PATHAK</u>	-	WOODHAVEN	NY	Adva Insta Search Back
37	<u>CHANCHAL PATHAK</u>	-	MADISON	WI	Adva Insta Search Back
38	<u>CHANCHALA PATHAK</u>	53	CORONA-A	NY	Adva Insta Search Back
39	<u>CHANDANA PATHAK</u>	-	POMONA	CA	Adva Insta Search Back
40	<u>CHANDNI PATHAK</u>	-	SOMERSET	NJ	Adva Insta Search Back
41	<u>CHANDRA PATHAK</u>	-	PHOENIX	AZ	Adva Insta Search Back
42	<u>CHANDRA PATHAK</u>	-	RNCHO CORDOVA	CA	Adva Insta Search Back
43	<u>CHANDRA PATHAK</u>	-	DENVER	CO	Adva Insta Search Back

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44	CHANDRA PATHAK	-	DEERFIELD BEACH FL	Adva Insta Search Back
45	CHANDRA PATHAK	-	WELLINGTON FL	Adva Insta Search Back
46	CHANDRA PATHAK	-	WEST PALM BEACH FL	Adva Insta Search Back
47	CHANDRA PATHAK	-	ATHENS GA	Adva Insta Search Back
48	CHANDRA PATHAK	-	FARMINGTON HILLS MI	Adva Insta Search Back
49	CHANDRA PATHAK	-	PORT GIBSON MS	Adva Insta Search Back
50	CHANDRA PATHAK	-	RIDGELAND MS	Adva Insta Search Back
51	CHANDRA J PATHAK	-	LORMAN MS	Adva Insta Search Back
52	CHANDRA K PATHAK	37	BIRMINGHAM AL	Adva Insta Search Back
53	CHANDRA K PATHAK	37	BIRMINGHAM AL	Adva Insta Search Back
54	CHANDRA K PATHAK	37	BIRMINGHAM AL	Adva Insta Search Back
55	CHANDRA K PATHAK	-	DENVER CO	Adva Insta

					Search Back
56	CHANDRA K PATHAK	37	DENVER	CO	Adva Insta Search Back
57	CHANDRA K PATHAK	-	DENVER	CO	Adva Insta Search Back
58	CHANDRA K PATHAK	37	DENVER	CO	Adva Insta Search Back
59	CHANDRA K PATHAK	37	FORT WALTON BEACH	FL	Adva Insta Search Back
60	CHANDRA K PATHAK	37	PENSACOLA	FL	Adva Insta Search Back
61	CHANDRA K PATHAK	37	PENSACOLA	FL	Adva Insta Search Back
62	CHANDRA K PATHAK	37	PENSACOLA	FL	Adva Insta Search Back
63	CHANDRA K PATHAK	37	PENSACOLA	FL	Adva Insta Search Back
64	CHANDRA K PATHAK	-	BILOXI	MS	Adva Insta Search Back
65	CHANDRA K PATHAK	-	CLINTON	MS	Adva Insta Search Back
66	CHANDRA K PATHAK	37	LORMAN	MS	Adva Insta Search Back
67	CHANDRA K	-	BROOKLYN	NY	Adva

	<u>PATHAK</u>				Insta Search Back
68	<u>CHANDRA K</u> <u>PATHAK</u>	-	NEW YORK	NY	Adva Insta Search Back
69	<u>CHANDRA KANT</u> <u>PATHAK</u>	-	DENVER	CO	Adva Insta Search Back
70	<u>CHANDRA KANT</u> <u>PATHAK</u>	37	DENVER	CO	Adva Insta Search Back
71	<u>CHANDRA KANT</u> <u>PATHAK</u>	37	DENVER	CO	Adva Insta Search Back
72	<u>CHANDRA KANT</u> <u>PATHAK</u>	37	PENSACOLA	FL	Adva Insta Search Back
73	<u>CHANDRA KANT</u> <u>PATHAK</u>	-	FARMINGTON HILLS	MI	Adva Insta Search Back
74	<u>CHANDRA KANT</u> <u>PATHAK</u>	-	CLINTON	MS	Adva Insta Search Back
75	<u>CHANDRA M</u> <u>PATHAK</u>	70	PENSACOLA	FL	Adva Insta Search Back
76	<u>CHANDRA M</u> <u>PATHAK</u>	67	FARMINGTON HILLS	MI	Adva Insta Search Back
77	<u>CHANDRA M</u> <u>PATHAK</u>	70	LORMAN	MS	Adva Insta Search Back
78	<u>CHANDRA M</u> <u>PATHAK</u>	-	LORMAN	MS	Adva Insta Search Back

79	<u>CHANDRA M PATHAK</u>	70	LORMAN	MS	Adva Insta Search Back
80	<u>CHANDRA MANI PATHAK</u>	70	VICKSBURG	MS	Adva Insta Search Back
81	<u>CHANDRA P PATHAK</u>	-	CAPE CORAL	FL	Adva Insta Search Back
82	<u>CHANDRA P PATHAK</u>	-	GAINESVILLE	FL	Adva Insta Search Back
83	<u>CHANDRA P PATHAK</u>	-	GAINESVILLE	FL	Adva Insta Search Back
84	<u>CHANDRA P PATHAK</u>	-	FARMINGTON HILLS	MI	Adva Insta Search Back
85	<u>CHANDRA P PATHAK</u>	-	FARMINGTON HILLS	MI	Adva Insta Search Back
86	<u>CHANDRA P PATHAK</u>	-	FARMINGTON HILLS	MI	Adva Insta Search Back
87	<u>CHANDRA P PATHAK</u>	-	FARMINGTON HILLS	MI	Adva Insta Search Back
88	<u>CHANDRA P PATHAK</u>	-	WIXOM	MI	Adva Insta Search Back
89	<u>CHANDRA P PATHAK</u>	67	WIXOM	MI	Adva Insta Search Back
90	<u>CHANDRA P PATHAK</u>	-	LORMAN	MS	Adva Insta Search Back

91	<u>CHANDRA P</u> <u>PATHAK</u>	-	RIDGELAND	MS	Adva Insta Search Back
92	<u>CHANDRA P</u> <u>PATHAK</u>	-	GREENSBORO	NC	Adva Insta Search Back
93	<u>CHANDRA P</u> <u>PATHAK</u>	-	GREENSBORO	NC	Adva Insta Search Back
94	<u>CHANDRA P</u> <u>PATHAK</u>	-	BARBOURSVILLE	VA	Adva Insta Search Back
95	<u>CHANDRA</u> <u>PRAKASH PATHAK</u>	67	FARMINGTON HILLS	MI	Adva Insta Search Back
96	<u>CHANDRA</u> <u>PRAKASH PATHAK</u>	-	RIDGELAND	MS	Adva Insta Search Back
97	<u>CHANDRA S</u> <u>PATHAK</u>	51	LITTLE ROCK	AR	Adva Insta Search Back
98	<u>CHANDRA S</u> <u>PATHAK</u>	-	LITTLE ROCK	AR	Adva Insta Search Back
99	<u>CHANDRA S</u> <u>PATHAK</u>	51	LITTLE ROCK	AR	Adva Insta Search Back
100	<u>CHANDRA S</u> <u>PATHAK</u>	51	WASHINGTON	DC	Adva Insta Search Back
101	<u>CHANDRA S</u> <u>PATHAK</u>	51	WELLINGTON	FL	Adva Insta Search Back
102	<u>CHANDRA S</u> <u>PATHAK</u>	-	WELLINGTON	FL	Adva Insta Seam

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103	CHANDRA S PATHAK	51	WELLINGTON	FL	Adva Insta Search Back
104	CHANDRA S PATHAK	-	WELLINGTON	FL	Adva Insta Search Back
105	CHANDRA S PATHAK	51	GERMANTOWN	MD	Adva Insta Search Back
106	CHANDRA S PATHAK	51	GERMANTOWN	MD	Adva Insta Search Back
107	CHANDRA S PATHAK	51	GERMANTOWN	MD	Adva Insta Search Back
108	CHANDRA S PATHAK	51	GREENBELT	MD	Adva Insta Search Back
109	CHANDRA S PATHAK	-	ISELIN	NJ	Adva Insta Search Back
110	CHANDRA S PATHAK	-	POTSDAM	NY	Adva Insta Search Back
111	CHANDRA S PATHAK	-	OKLAHOMA CITY	OK	Adva Insta Search Back
112	CHANDRA S PATHAK	-	STILLWATER	OK	Adva Insta Search Back
113	CHANDRA S PATHAK	-	STILLWATER	OK	Adva Insta Search Back
114	CHANDRA S PATHAK	51	ALEXANDRIA	VA	Adva Insta

<u>NAME</u>				<u>Insta</u> <u>Search</u> <u>Back</u>
115	<u>CHANDRA S</u> <u>PATHAK</u>	51	ALEXANDRIA VA	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
116	<u>CHANDRA S</u> <u>PATHAK</u>	51	VIENNA VA	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
117	<u>CHANDRA</u> <u>SHEKHAR</u> <u>PATHAK</u>	51	WELLINGTON FL	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
118	<u>CHANDRAHAS</u> <u>PATHAK</u>	-	MIAMI FL	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
119	<u>CHANDRAKA D</u> <u>PATHAK</u>	-	NEW BRITAIN CT	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
120	<u>CHANDRAKANT</u> <u>PATHAK</u>	-	NEW BRITAIN CT	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
121	<u>CHANDRAKANT</u> <u>PATHAK</u>	-	NEW BRITAIN CT	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
122	<u>CHANDRAKANT</u> <u>PATHAK</u>	-	WINTER HAVEN FL	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
123	<u>CHANDRAKANT D</u> <u>PATHAK</u>	61	CLIFTON NJ	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
124	<u>CHANDRAKANT D</u> <u>PATHAK</u>	-	EDISON NJ	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
125	<u>CHANDRAKANT D</u> <u>PATHAK</u>	-	PASSAIC NJ	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>
126	<u>CHANDRAKANT D</u> <u>PATHAK</u>	-	ATLANTA GA	<u>Adva</u> <u>Insta</u> <u>Search</u> <u>Back</u>

126	<u>CHANDRAPRA K</u> <u>PATHAK</u>	-	ATHENS	GA	Adva Insta Search Back
127	<u>CHANDRASEKHAR</u> <u>R PATHAK</u>	-	HOUSTON	TX	Adva Insta Search Back
128	<u>CHANDRASHEK</u> <u>PATHAK</u>	-	AUSTIN	TX	Adva Insta Search Back
129	<u>CHANDRASHEK P</u> <u>PATHAK</u>	-	WALTHAM	MA	Adva Insta Search Back
130	<u>CHANDRASHEK P</u> <u>PATHAK</u>	-	NASHUA	NH	Adva Insta Search Back
131	<u>CHANDRASHEK P</u> <u>PATHAK</u>	-	AUSTIN	TX	Adva Insta Search Back
132	<u>CHANDRASHEK P</u> <u>PATHAK</u>	-	AUSTIN	TX	Adva Insta Search Back
133	<u>CHANDRASHEK P</u> <u>PATHAK</u>	-	AUSTIN	TX	Adva Insta Search Back
134	<u>CHANDRASHEK V</u> <u>PATHAK</u>	-	PLAINSBORO	NJ	Adva Insta Search Back
135	<u>CHANDRASHEK V</u> <u>PATHAK</u>	-	PLAINSBORO	NJ	Adva Insta Search Back
136	<u>CHANDRASHEKHAK</u> <u>P PATHAK</u>	-	AUSTIN	TX	Adva Insta Search Back
137	<u>CHANDRASHEKHAR</u> <u>PATHAK</u>	-	PHOENIX	AZ	Adva Insta Search Back


138	<u>CHANDRASHEKHAR</u> <u>PATHAK</u>	49	AUSTIN	TX	Adva Insta Search Back
139	<u>CHANDRASHEKHAR</u> <u>PATHAK</u>	47	STAFFORD	TX	Adva Insta Search Back
140	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	-	PHOENIX	AZ	Adva Insta Search Back
141	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	49	LEXINGTON	MA	Adva Insta Search Back
142	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	-	PITTSFIELD	MA	Adva Insta Search Back
143	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	-	WALTHAM	MA	Adva Insta Search Back
144	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	49	WALTHAM	MA	Adva Insta Search Back
145	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	-	WALTHAM	MA	Adva Insta Search Back
146	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	49	NASHUA	NH	Adva Insta Search Back
147	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	-	BOWLING GREEN	OH	Adva Insta Search Back
148	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	-	TOLEDO	OH	Adva Insta Search Back
149	<u>CHANDRASHEKHAR</u> <u>P PATHAK</u>	-	AUSTIN	TX	Adva Insta Search

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150	CHANDRASHEKHAR P PATHAK	-	AUSTIN TX	Adva Insta Search Back
151	CHANDRASHEKHAR P PATHAK	-	AUSTIN TX	Adva Insta Search Back
152	CHANDRASHEKHAR P PATHAK	-	AUSTIN TX	Adva Insta Search Back
153	CHANDRASHEKHAR P PATHAK	49	AUSTIN TX	Adva Insta Search Back
154	CHANDRASHEKHAR P PATHAK	49	AUSTIN TX	Adva Insta Search Back
155	CHANDRASHEKHAR P PATHAK	-	AUSTIN TX	Adva Insta Search Back
156	CHANDRASHEKHAR P PATHAK	-	AUSTIN TX	Adva Insta Search Back
157	CHANDRASHEKHAR P PATHAK	-	AUSTIN TX	Adva Insta Search Back
158	CHANDRASHEKHAR P PATHAK	-	AUSTIN TX	Adva Insta Search Back
159	CHANDRIKA PATHAK	-	BOSTON MA	Adva Insta Search Back
160	CHANDRIKA PATHAK	-	ROXBURY MA	Adva Insta Search Back
161	CHANDRIKA PATHAK	-	WESTON MA	Adva Insta

				Search Back
162	CHANDRIKA PATHAK	-	WESTON MA	Adva Insta Search Back
163	CHANDRIKA PATHAK	-	BETHESDA MD	Adva Insta Search Back
164	CHANDRIKA PATHAK	-	BETHESDA MD	Adva Insta Search Back
165	CHANDRIKA PATHAK	-	BETHESDA MD	Adva Insta Search Back
166	CHANDRIKA PATHAK	-	BETHESDA MD	Adva Insta Search Back
167	CHANDRIKA PATHAK	-	NEW YORK NY	Adva Insta Search Back
168	CHANDRIKA PATHAK	-	NEW YORK NY	Adva Insta Search Back
169	CHANDRIKA PATHAK	-	NEW YORK NY	Adva Insta Search Back
170	CHANDRIKA PATHAK	-	NEW YORK NY	Adva Insta Search Back
171	CHANDRIKA PATHAK	-	NEW YORK NY	Adva Insta Search Back
172	CHANDRIKA PATHAK	-	NEW YORK NY	Adva Insta Search Back
173	CHANDRIKA	-	SCARSDALE NY	Adva

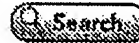
...	<u>PATHAK</u>	...			Insta Search Back
174	<u>CHANDRIMA</u> <u>PATHAK</u>	-	JERSEY CITY	NJ	Adva Insta Search Back
175	<u>CHANDULAL</u> <u>PATHAK</u>	94			Adva Insta Search Back
176	<u>CHANDULAL</u> <u>PATHAK</u>	-	NORTHFIELD	NJ	Adva Insta Search Back
177	<u>CHANDULAL</u> <u>PATHAK</u>	-	SOMERS POINT	NJ	Adva Insta Search Back
178	<u>CHANDULAL</u> <u>PATHAK</u>	94	HOUSTON	TX	Adva Insta Search Back
179	<u>CHANDULAL S</u> <u>PATHAK</u>	-	NORTHFIELD	NJ	Adva Insta Search Back
180	<u>CHANDULAL S</u> <u>PATHAK</u>	54	NORTHFIELD	NJ	Adva Insta Search Back
181	<u>CHANORA K</u> <u>PATHAK</u>	-	PENSACOLA	FL	Adva Insta Search Back
182	<u>CHARKRANT</u> <u>PATHAK</u>	-	PASSAIC	NJ	Adva Insta Search Back
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RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
ONE STATE STREET
SUITE 800
BOSTON MA 02109

COPY MAILED

JAN 30 2007

OFFICE OF PETITIONS

In re Application of :
Chandrashekhar Pathak : DECISION REFUSING STATUS
Application No. 11/397,778 : UNDER 37 CFR 1.47(b)
Filed: 4 April, 2006 :
Atty Docket No. E0001/7000P2 :

This is a decision in response to the petition under 37 CFR 1.47(b) filed on 8 November, 2006.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 4 April, 2006, without an executed oath or declaration. Accordingly, on 8 May, 2006, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on 8 November, 2006, petitioner filed the present petition, surcharge, and petition fee. Authorization for a four (4) month extension of time was also filed.

With regards to the petition under 37 CFR 1.47(b), petitioner asserts that the non-signing inventor could not be found to sign the application despite diligent efforts. Specifically, the

application papers were sent, via Federal Express, to the non-signing inventor, but the application was returned as undeliverable. Petitioner has also provided a showing that an assignment was made of the invention to the Rule 1.47(b) applicant.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

The petition lacks items (2) and (6).

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, must be supplied.

While petitioner provided, on 1 December, 2006, a copy of a declaration filed in a prior application of, which this application is a continuation, signed by the non-signing inventor, that declaration is defective in that it does not list the citizenship of the non-signing inventor.¹ A statement of the inventor's citizenship is a statutory requirement and cannot be waived.² A new oath or declaration, containing the residence, mailing address, and citizenship of the non-signing inventor, signed by the signing inventor or in accordance with 37 CFR 1.47(b) is required.

The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the

¹ MPEP 605.01.

² 35 U.S.C. § 115, MPEP 605.01.

authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324.

In regards to item (6), petitioner must establish irreparable damages in accordance with MPEP 409.03(g). A statement by applicant that the filing is necessary to prevent irreparable damage or to preserve the rights of the parties is sufficient.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22134

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/557,853	11/08/2006	Chandrashekhar Pathak	E0001/7000C3

21127
RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
ONE STATE STREET
SUITE 800
BOSTON, MA 02109

CONFIRMATION NO. 1224
FORMALITIES
LETTER

Date Mailed: 01/10/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 300 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1130** for a non-small entity

- **\$300** Statutory basic filing fee.

- **\$130 Surcharge.**
- The application search fee has not been paid. Applicant must submit **\$500** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **\$200** to complete the examination fee for a non-small entity.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.



Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
11/557,853	11/08/2006	3738	0.00	E0001/7000C3	5	1	1

CONFIRMATION NO. 1224

21127
RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
ONE STATE STREET
SUITE 800
BOSTON, MA 02109

FILING RECEIPT

Date Mailed: 01/10/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Chandrashekhar Pathak, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 11/397,778 04/04/2006
which is a CON of 10/027,374 12/21/2001
which is a CIP of 09/991,235 10/22/2001 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 01/09/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US11/557,853

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

LIQUID AND LOW MELTING COATINGS FOR STENTS

Preliminary Class

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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